

From: [Tzhone, Stephen](#)
To: [Moran, Gloria](#)
Subject: FW: E-mail from POA Main Webpage
Date: Tuesday, February 10, 2015 11:34:27 AM
Attachments: [2013 Triennial Review Public Involvement Timeline letter 020615.pdf](#)

-----Original Message-----

From: Nelson, Russell
Sent: Tuesday, February 10, 2015 11:04 AM
To: Tzhone, Stephen
Cc: Sanchez, Carlos; Meyer, John; Ryland, Renea
Subject: FW: E-mail from POA Main Webpage

Steve,

I have attached a response from ADEQ concerning public participation notice on Arkansas' 2014 triennial revisions. In both my and Renea Ryland's (ORC) view, ADEQ appears to have meet federal requirements on public participation for these revisions (see 40 CFR Part 25). Given the extensive notice it appears that notice of ADEQ and the Commission's activities where well publicized.

Based on Ms. Carpenter's response, Mr. Grisham has never asked to be provided with notice of any regulatory changes by either mail or email as provided for under Arkansas statute. The public bears some degree of responsibility to look for public notices related to a subject of interest.

I hope this will assist you in responding to Mr. Grisham's inquiries. If you have any further questions, let me know.

Russell

Russell Nelson
Regional Standards Coordinator
Water Quality Protection Division
U.S. EPA, Region 6

(214) 665-6646
(214) 665-6689 fax

-----Original Message-----

From: Carpenter, Ellen [<mailto:carpenter@adeq.state.ar.us>]
Sent: Friday, February 06, 2015 5:00 PM
To: Nelson, Russell
Cc: Clem, Sarah; Ryland, Renea; Benenati, Katherine; Clem, Sarah; Szenher, Doug
Subject: RE: E-mail from POA Main Webpage

Mr. Nelson,
In response to your request, please see attached.
Thank you.
Ellen Carpenter
Water Division Chief

-----Original Message-----

From: Nelson, Russell [<mailto:nelson.russell@epa.gov>]
Sent: Friday, February 06, 2015 8:42 AM
To: Benenati, Katherine; Szenher, Doug
Cc: Clem, Sarah; Carpenter, Ellen; Ryland, Renea
Subject: RE: E-mail from POA Main Webpage



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Ms. Benenati,

I appreciate your response noting that ADEQ will get back with EPA concerning our inquiry concerning public participation in the recent 2013 revision of Regulation 2. However, to date I have not received a response from your office. It is our understanding that Mr. Curt Grisham is expanding his inquiry through the Freedom of Information Act and a possible congressional inquiry.

While EPA is confident ADEQ met all requirements related to the Clean Water Act Part 25, we need confirmation and supporting documentation that Mr. Grisham had reasonable access to public notices concerning ADEQ's activities and public hearings held by the APC&E Commission that the public at large would have had. The process that resulting in the 2014 revisions to Regulation 2 also included a number of workgroup meetings that EPA staff participated in. Public notices related to these meetings that Mr. Grisham may have had reasonable access to as the public at large would also be useful.

Thank you,

Russell Nelson
Regional Standards Coordinator
Water Quality Protection Division
U.S. EPA, Region 6

(214) 665-6646
(214) 665-6689 fax

-----Original Message-----

From: Benenati, Katherine [<mailto:Benenati@adeq.state.ar.us>]
Sent: Thursday, January 29, 2015 1:18 PM
To: Nelson, Russell; Szenher, Doug
Cc: Clem, Sarah; Carpenter, Ellen
Subject: RE: E-mail from POA Main Webpage

Mr. Nelson,

We will get back to you with more information. I wanted to let you know that we received your inquiry.

Katherine Benenati
Public Outreach and Assistance Division Chief Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

(501) 682-0821

From: Nelson, Russell [<mailto:nelson.russell@epa.gov>]
Sent: Thursday, January 29, 2015 1:13 PM
To: Szenher, Doug
Cc: Clem, Sarah; Carpenter, Ellen; Benenati, Katherine
Subject: E-mail from POA Main Webpage

Doug,

I am contacting you in regard to a email EPA Region 6 received from Charles Grisham regarding the recent 2013

revision of Regulation 2.

It is my understanding that the Mr. Grisham is or is one of the owners of a property on which a superfund site is located in Omaha, AR. The site integrates Arkansas WQS standards as part of the ground water remedy. Mr. Grisham expressed the concern that although he attended a meeting on April 11, 2011 with ADEQ staff regarding this issue and is a known stakeholder to ADEQ management and staff, that he may have been intentionally excluded from notice related to the water quality standards review and revision process.

I would appreciate it if ADEQ could provide details on the public notice(s) related to the 2013 revision of Regulation 2 consistent with 40 CFR 25, and any additional state requirements that would provide assurance that Mr. Grisham had access to reasonable public notice or direct notice.

On a separate but related issue, I would appreciate it if you confirm me as a contact on all notices and submissions related to state's water quality standards issues related to Regulation 2 for the time being.

Thank you!

Russell

Russell Nelson

Regional Standards Coordinator
Water Quality Protection Division
U.S. EPA, Region 6

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